MR. OTTENDORFER'S PROTEST.

Lively Debate in the Senate on the Question of Taxing Clergymen.

THE POLICE PENSION FUND BILL.

Governor Robinson Investigating Charges Against Judge Smith.

STATE PRISON CONTRACTS.

[BY TELEGRAPH TO THE HERALD.]

ALBANY, April 9, 1878.
The Senate Committee on Cities gave a hearing this York who assembled in the committee room were Tax Commissioner Mooney, ex-Assemblyman Robert J. Strahan, ex-Corner Ellinger, ex-Police Com-missioner Disbecker, John D. Coughlin, President Beardsley, Messrs Allison, Assistant District Attorney Horring, George Bliss, O. B. Potter and John H. Strahan claimed the attention of the committee, ail the members of which were present except Senstor morrissey. Nearly all the New York Senators and members of the Assembly entered the room while the argument was in progress.

Ex-Cor-ner Ellinger appeared first in opposition to the bill and presented a letter from Oswaid Ottendorier, which was read by Senator Pomeroy, the chairman :-

the bill and presented a letter from Oswald Ottendorier, which was read by Senator Pomeroy, the chairman:—

MR. OTTENDORFER'S PROTEST.

Hon. T. M. POMEROY. Chairman of the Senate Committee on Cities. Albany, N. Y.:—

Sis.—Unavoidable engagements will prevent me from visiting Albany to-morrow, as I intended to do, to remonstrate against some of the provisions of the so-called Municipal Salary bill, passed in the Assembly on Tuesday, the 2a, and which is now before the Committee on Cities of the Senate. I, therefore, take the liberty to call your and your collegues' attention to some of the provisions and defects of this bill, which, in my opinion, make it the most dangerous measure in relation to our city that was before the Legislature during its present session. The bill is called in the newspaper reports the Blunicipal Salary bill, and the impression is prevalent that it intends to reduce the salaries of all or the most of our city officials. The fact is that the bill is far from attempting to accomplish such a result. It provides simply that the aggregate amount raised by tax in such (that is, our) city for the year 1879 and subsequent years shall be at least \$2,000,000 less than the aggregate amount required to be raised by tax in said city for the year 1878. This can be accomplished without touching the salaries or fees of our city officials in the least. It is expected that our contribution to the State taxes in 1879 will be about \$600,000 less than in the present year. For amother midlion the tax levy can be reduced by the passage of a bill now before the Logislature, which provides that the principal capital of our city officials in the least. It is expected that our contribution to the State taxes that be reduced by the available means of the sinking tund. Several hundred thousand dollars can be secured by curtaining or tailing to make appropriations for posessary improvements, such as the repairs of the patement in the streets of the lower part of the city, and the balance. If necessary, can besprovid

This it will be seen that the requirement to raise by ax \$2,000,000 less in the future than we do at present will not abolish the sinecures nor retrench the salaries of our city efficials, which, no doubt, in some insances are expected, which and out of proportion to the services which the recipionts are expected or able to perform. To secure economy in this direction the bill should be amounted to the effect that the appropriations for salaries and fees to be paid directly or indirectly from the city treasury shall be reduced in the future to a cortain amount or per centage of the sum approprised at present for such purposes. Without such or a similar provision, the promise that the bill will will reduce the expenses of our municipal government is a frand which cannot even claim to be new or original. The same batt was used in the Tweed therete, when the promise was made that the laxes to be raised in the future in our city shall not exceed two per cent of the assessed valuation of the taxable property. This promise was one of the most effective means to reconcile the opposition to that no-torsons instrument. The results are known, and if the L guaranters that will not even have the excess

exceed two per cent of the assessed valuation of the inaxable property. This promise was one of the most effective means to reconcile the opposition to that notorious instrument. The results are known, and if the L. gistature should allow itself to be caught again in the same trap they will not even have the excuse to have been misled by want of experience.

But even if the Beard of Extimate and Apportionment should feel inclined to use the necessity of reducing the taxes for the retrenchment of calories are didenting the taxes for the retrenchment of calories and fees the oil contains no provision against the misuse of this power; on the contrary, it furnishes the greatest temptation to sacrifice the interests of good and efficient municipal government to partisan purposes. It is to be remembered that our Beard of Extimate and Apportionment makes a provisional estimate and Apportionment makes a provisional estimate in the months of September and October, while the final and definite estimate its made in December immediately after the fall elections. What a temptation is thereby neld out not only to secure absolute subserviency of all the departments to the wishes of the Board in the progration of the provisional estimates, but to compet them to contribute to the campain funds of the political organizations by the expectation that, in determining the final estimate after the election, care will be taken to roward compliance with the dictates of the political machine leaders, or to punish officers who decline to be made slaves of ambitious intringers. It will be said that such susptions against gentlemen in high public positions should not be raised without substantial proofs showing them to be well founded. I do not consider the present members of our Board of Estimate and Apportionment as men who are not able to appreciate the importance of their positions or who do not intend to fill it in a satisfactory manner; but neither are they, in my opinion, or who do not intend to fill it in a satisfactory manner; but

At the conclusion of the reading Senator Pomeroy said that he saw no difficulty in amending the bill to meet Mr. Ottendorfer's objections, and that he thought is should be so smended.

MR. ALLINOR'S OBJECTIONS. Mr. Allison, of the law firm of Allison & Shaw, New York, also opposed the bill. He opened by saying that the measure before the committee was not such as the people of New York desired. It was introduced under the snadow of another measure, which was approved of by the people of New York destined to success under the reputation it had acquired from the measure in whose stead it was put, A glance, however, at the provisions of the bill would be sufficient, Mr. Allison thought, to convine the committee that its scope and intention more far was this measure identical with the one first introduced. A more dangerous measure than the one

does not put the obligation on the Board of Apportionment to make a scaled reduction in the salaries of officials; it simply declares that they shall reduce taxation in New York city \$2,000,000 during the year 1879. They have power under it to absolutely remove from office, and any one who will for a moment reflect will see what a gigantic privilege this is in a city like New York with a city like of 10,000 persons.

New York with a city list of 10,000 persons.

How is it to Bs Annyoun?

Senator Penercy here interrupted. Mr. Allison and asked in what respecis the bill should be amended in order to meet his objections.

Mr. Allison answered that the bill should be changed so as to make the reduction obligatory; that the reduction should be couffined to city taxes alone, and State taxes should be specifically excepted as an item in the amount of the reduction, and that the reduction should be couffined to city taxes alone, and that the reduction should be made in part for the present year. In conclusion, he referred to section 4 of the bill, which he ciaimed gave the four gentlemen composing the Board of Apportionment entire power over the bestowal of charity to the institutions of the city and county. He asserted that the bill actually gave power under this section to those gentlemen to give or withhold money from the Brooklya Bridge, so far as salaries are concerned, he asserted that the only reductions positively effected by the bill were locates of city officers—\$2,000 reduction in the salary of the Mayor; \$5,000 in that of the Corporation Counsel; \$9,000 among the three assistants of the Corporation Attorney, and \$1,000 in that of the Secretary of the Board of Hearth. Among officers other than city officials the reductions would be:—Recorder, \$5,000; City Judga \$2,000; pistrict Attorney, \$2,000, and the Commissioner of Judge of the Court of General Sessions, \$2,000; in the salary of the Mayor; \$5,000 in the sound in the Hearth, the following:—

Secritor & General Sessions of the secret of said beard in such

public efficers and heads of acpartments to so also reaches and appropriations, with power to reduce the number of such deputies, clerks, &c., that no liability shall be incurred in excess of the said appropriations.

Mr. Allison also said that the fourth section would have to be considerably amended so as to coincide with the other amendments thus suggested.

FOR THE BOARD OF EUCLATION.

Mr. Hereing, who next spoke, Said he appeared for the Board of Education, and would show how this bill proposed to lay pointical bands upon that institution which should be as widely divorced from politics as sun from earth. He traced the history of educational effort in New York from 1842 down to 1871, when the "Ring" laid unholy hands upon it. He explained how at present the Board of Education had the regulating of its own saisties. Its estimate for current expenses was sent to the Board of Apportionment, which allowed the amount, and then the Board of Education distributed it according as its wisdom dictated. As this bill gives the power to the Board of Apportionment to reach over the heads of the Commissioners of Education he opposed it. He then missioners of Education he opposed it. He then missioners of Education he opposed it. He toen missioners of Education were the heads of the Commissioners of Education were the beads of the Commissioners of Education were the beads of the Commissioners of Education which he should not report the measure favorably.

Mr. George Biles, who said he appeared for nobody in particular, said that he did not think the bill was skringent enough, but before going into the details of its looseness its wished to correct some impressions which were the inevitable consequence of what Mr. Herring said were voluntary were the result of the operations of the Board of Education which Mr. Herring said were voluntary were the result of the operations of the Board o

reduction should be made obligatory in specific terms.

FOR THE BILL.

He was followed by Mr. J. H. Strahan, who argued for the bill as it stood, without amendment, and claimed that all that was wanted should be obtained from its provisions. The only change which he sanctioned was one of words, in which the obligation to reduce was made more specific. The committee adjourned without reaching any conclusion and with the understanding that no report would be made until further amendments were submitted and considered. Some members of the committee, including the Chairman, are determined that the bill shall not be reported unless very materially altered. The Board of Education is certain to be exempted from its provisions as it now stands.

Senator Pomercy presented a petition to the Senate this morning from 2,300 citizens of New York asking for the passage of a law which will exempt the Board of Education from the jurisdiction of the Board of Apportionment and give it power to regulate its own salaries.

the first hirteen daspers of the logal monetor which may make of the States Book of the Book of the States Book of the States Book of the Book of the Book of the Book of the States Book of the Book o

THE POOL BILL.

The Pool bill was thus morning ordered to a third reading on motion of Senator Wagataff.

The General Pipe Line Bill in the Assembly.

Nearly the whole morning session of the Assembly was taken up by the discussion of the General Pipe Line bill, which had already passed the Senate. This bill, which is advocated by the Eric county delegation in the interest of the city of Busalo, exempts the city of New York from its provisions. Its edgect, of course, is to secure to certain corporations the privilege of laying pipe lines for the transportation of perroleum and to secure to Busalo, through such means of cheap transportation, an expected monopoly of the oil refin-

The Superintendent of State Prison sent the fol-towing report to the Assembly to-day:—

'In answer to the fession of the Prisons sent the fol-towing report to the Assembly to-day:—

'In answer to the fession of your becorable body, adopted April 1, I respectfully report that the following named contracts are now in force in the several State Prisons:—

Sing Sing Prison.

Contractors, Perry & Co., stone; number of convicts, 900; price per day, flity cents; expires Decomber 31, 1881. Contractors, Bay State Company, shoes; number of convicts, 300; price per day, flity cents; expires April 13, 1882. Centractors, W. Carroll & Co., has; number of convicts, 150; price per day, flity benus; expires December 31, 1881. Contractors, State Work Laundry; number of convicts, 150; price, spires, optional.

work Laundry; number of Couvices, Los, expires, optional.

Aurean Prison.

Contractors, Duncan, Salmou & Co., shoes; number of convicts, 200; price, fifty cents; expires April 30, 1882. Contractors, Sheldon & Co., axles; convicts, 89; price, lorty-two conts; expires February 29, 1880. Contractors, Sheldon & Co., machine; convicts, 50; price, lorty cents; expires February 29, 1880. Contractors, L. M. Moore, baskets; convicts, 30; price, forty cents; expires May 31, 1878. Contractor George Corning, shoes; No. 1, convicts, 100; price forty cents; expires December 28, 1879. Contractors Hayden & Smith, hame and place; convicts, 100; price fifty cents; expires September 30, 1880. Contractors Faxell & Jones, hollow ware; convicts, 100; price flity cents; expires October 31, 1882.

CLINTON PRISON.

expires October 31, 1882.

CLINTON PRISON.

A contract has been made with W. Carroll & Co. for the manufacture of hats. They reiniquish their contract at Sing Sing and employ 450 convicts, at sixty cents per day for fifty convicts and twenty five cents per day for fifty convicts and twenty five cents per day for the remaining 400; provided, however, that if the propused railroad from Plattsburg to Danhemora be constructed the price per day for said 400 convicts shall be forty cents.

WYOMING'S MASSACRE.

PRATION-BEBUILDING OLD FORTS AND HUTS-PRESIDENT HAYES AND OTHER PROM-INENT MEN TO BE PRESENT.

WILKESBARRE, Pa., April 8, 1878. Preparations are progressing on a grand scale for the centennial commomoration of the battle and massacre of Wyoming, and committees of the most actively at work to make the affair worthy of the the 3d of July, 1778, when John Butler's British gether with 700 ludians, led by the terrible

ner, was found yesterday morning in the engine foom of the premises Noz. 85 and 87 Elizabeth street, which were destroyed by fire Monday night. Death was

RAPID TRANSIT.

Assessing the Damages Caused by the Gilbert Road.

PROPERTY OWNERS' RIGHTS

The Present Condition of the Different Lines.

sion last evening at the Fifth Avenue Hotel, Mr. William Orten in the chair. Mr. John E. Parsons repre property owners were merely nominal, Mr. Parsons opened the case now for Mr. Amos R. Eno, a property

Eno to expect large or even suitable compensation for the injury done to his property. All that he expected was a moderate compensation, something at least approaching a suitable compensation. The Commissioners must recognize the fact that the title to the South Fifth avenue rested in Mr. Eno. Sixth avenue had been created at the expense of the abutting owners, and yet the elevated road took this ave-nue, created at the expense of the owners, and approprinted it without any compensation. Just as property owners valued their rear yards for the purpose of onjoy-ing light and air, so they must undoubtedly value their Mr. Parsons insisted that the compensation must b

PINE FIGURING.

After receiving a complicated answer Mr. Lowery drily asked the witness to separate in his estimates the value of light, air and vaults. The witness declared himself unable to do this.

Mr. Orton—Do you know whether any of the property has been vacated this spring on account of the elevated road?

Witness—No, sir to the property of the property has been vacated this spring on account of the witness.

erty has been vacated this spring on account of the elevated road?

Witness—No, sir, it has not.

Mr. Man stated that two out of eight or sen of his tenants had domanded reductions in the ront on account of the clevated railroad.

Mr. Blackstone, another real estate expert, gave also his opinions as to the damages indicted upon certain South Fifth avenue property, and the commission then adjourned till Thursday evenings teight o'clock.

CONDITION OF THE ROADS.

The present is a period of extraordinary activity in the construction of the elevated railways. The Gibert road is being finished as fast as possible, in order that it may be ready for the grand opening on the lat of next month, and he New York Elevated Raitroad Company are working vigorously on Ninth and Third avenues, where the work had been delayed for a considerable time. The structure on Inird avenue—exclusive of the track—is now up from Cooper Institute to nearly Twentieth street, while the columns have been set up much forther. In Pearl street the structure is making some progress, although the division of the work between two contractors seems to be productive of great delays. In the Bowery scarcely anything has

Hengert, 500 strong, bucked by the torse of New York, New Jeersy and Pennaytyman, the getter with 700 loadans, led by the terrible Brant, fail upon the unprotected estituees in ghating the they women southers, composed to old use as add they young anothers, composed to old use as add they young anothers, composed to old use as add they young anothers, composed to old use as add they young anothers, composed to old use as add they young anothers, composed to the signate of the grant of the grant of the grant they young send of the politics, and they young send of the politics, and they young send they young another held they young a send of the grant of the grant of the grant they young a send of the grant of the grant of the grant they were they are greated the

OUR CONSTITUTIONAL HISTORY.

CURTIS-THE ELECTORAL SYSTEM. Mr. George Ticknor Curtis delivered his third and dent of the United States and the means that were taken to secure through the Electoral College a representation of the popular vote; and also sketched the powers that were delegated by this Con-vention to the President. The mode of election and the powers given to him, Mr. Curtis said, showed that it was intended by those who framed the consti ereignites or State governments, and it was also apparent that he should not be eligible for re-election to office. The great endeavor of the Convention was not to establish a system of sederal suffrage for the election of the President if it could be possibly avoided. It was also sought to devise a system that should avoid turmon and excitement among the people. By assigning to each State a number of electoral votes equal to its representatives in both houses of Congress it was be-

representatives in both houses of Cougress it was believed that the best system was obtained for the election of the President.

COUNTING THE ELECTORAL VOTE.

Mr. Curtis then went on to describe the mode decided upon for counting the electoral vote, and said
that it becomes processing the counting the side of the counting the electoral vote. that it became necessary also to consider the appointment of a tribunal for the examination of certificates

that it became necessary also to consider the appointment of a tribunal for the examination of certificates to verify the votes which they purported to represent. An extreme doctrine had been put forth that the President of the Senate has the right to open those certificates and decide what votes have been given by the several States. This doctrine brought the country in the last Presidential election as near to a comp a'état as it had ever been. It was believed that the army was reasy to enforce the decision of the President of the Senate, and if that had been done Mr. Curtis said that we should not be living under the constitution of the United States except by name.

Mr. Curtis then proceeded to consider the counting of the vote, and said:—i am by no means disposed to deny that the duty of counting the electoral vote is a very celicate one; but I can see far greater dangers in reluming to inquire in cases that call for inquiry into the right of those who claim to be electoral to act as such, than I can see in making such inquiry. My idea of the purpose of the constitution is, that counting the electoral wate limplies the ascertainment of what are true and lawful electoral votes; and while in all ordinary cases there may be no occasion to look beyond the certificates and their accompanying attestation, there may be cases in which the power to do so ought to be held to be implied in the nature and objects of the proceeding by which the primary election of a Fresident is to be determined. It is no answer to this view to say that the constitution has not in express terms granted such a power to the two houses. How many powers of vast extent and importance have been deduced from the general government or from some oil its departments by the rules of implication applied to the provisions witch decibres the electoral votes "shall then be counted." It power to do a particular thing is necessary to the accomplishment of some object or the discharge of some duty, which is provided for by the constitution is general te

gusting for repetition. But let me say a word that will save the honor of a vast body of our fellow citizens. The acts of which we all feel the ineffable disgrace are not to be imputed to the great politica, party for whose benefit they were professedly perpetrated. They were the acts of individual men, influenced or connived at by other individual men. The people of this country, throughout its breadth and its length, of whatever party in the politics of the times, love and reverence the institutions of their native or adopted land. They are not cheats or forgers or bribe takers or bribe givers, and they will just as surely reject all the sophistry and casuistry that afford immunity to crimes against the salety and perpetuity of their republican system of government as they would defend their homes and hearths against a foreign for.

Mr. Curtis concluded his lecture by quoting the effect of corruption in the Roman Republics, and of France under Napoleon III, and in doing so asserted his belief that the American Republic would be saved by its people from any such disaster.

EX-GOVERNOR MOSES.

HIS PRODUCTION IN COURT ON HABEAS COR-PUS PROCEEDINGS-THE HEARING POST-PONED UNTIL TO-DAY.

Ex-Governor Moses was yesterday brought before Judge Donohue, in the Sapreme Court, in response to the writ of babess corpus, issued with the view to prevent if possible his extradition to South Carolina upon the requisition of Governor Wade Hampton. The court room was densely thronged, and, as might be supposed, the ex-Governor of the Palmetto State

was the cynosure of every eye.

When Judge Donohue called the case Colonel
Spencer, the ex-Governor's counsel, stated that he was ready, but he would like first to see the return to the

writ of habeas corpus.

District Attorney Phelps stated that it would be

writ of habeas corpus.

District Attorney Phelps stated that it would be rather difficult to make such return beyond announcing to the Court the fact that an officer was then on his way from Albany with a warrant obtained from Governor Robinson for the extradition of Governor Moves, Such being the case he asked that the matter might be adjourned for one day to enable him to make a return to the writ.

Guinel Spender strendously objected to any adjournment. He stated that his chent had been arrested on the charge of having lorged the indorsement on a promissory note for \$316, with an accruing interest of one and a half ber cent a month. He then read an affidavit of his own reciting the bardships that his client had undergone since his arrest, and which arrest, he claimed, was without any warrant or process of law. He then insisted that the case was one demanding the laying down of a broad and great rule provising that no man should be deprived of his liberity without proper warrant or due legal process.

Mr. Phelps in reply said that perhaps it might have been better to have had the prisoner committed by a police magistrate ponding the issuing of the warrant, but at the special request of counsel he had omitted to take this step.

Juage Donobue said that he thought that the request of the District Attorney was a reasonable one and that an adjournment should be granted.

Colonel Spencer still persisted that his client was entitled to his discharge. He said that he told Supernitedent Walling that he was perfeculy willing to give the gentleman from Soun Carolinn, who had come on here to look after Governor Moses in the hope of taking him back to that its state, ample time to go Albany to get a warrant. It was necessary to add that the gontleman in question, instead of going to Albany had goue to his hotel and taken a nap, and the result of that nap was that his client had been kept in confinement sloce Sanday night, with the propect of further incarceration.

Alier some further remarks on both sides Judge Donolge s

smuggling, put in an appearance at the Custom House yesterday, and after paying, the duties on the goods which were seized, and also fling a bond sufficient to indemnity the government in dose the trial which is now pending in the United States Court is decided against her, she was given permission to remove two